IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4407 of 2007()

C.C.NO.129/2006 PENDING BEFORE THE J.F.C.M COURT-II PERINTHALMANNA

PETITIONERS : ACCUSED 1 TO 4

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1. S.SELVAN,
PRINTER & PUBLISHER, KUNKUMAM WEEKLY,
182, KODAMBAKKAM HIGH ROAD,
CHENNAI-24.

2. PARASAKTHI,
EDITOR, KUNKUMAM WEEKLY,
182, KODAMBAKKAM HIGH ROAD,
CHENNAI-24.

3. M.AYYANAR RAJAN,
CORRESPONDENT, KUNKUMAM WEEKLY,
182, KODAMBAKKAM HIGH ROAD,
CHENNAI-24.

4. CAMERA KANNAN,
PHOTOGRAPHER, KUNKUMAM WEEKLY,
182, KODAMBAKKAM HIGH ROAD,
CHENNAI-24.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4407 of 2007

Dated this the 13th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners face indictment in a prosecution under Section 500 I.P.C. Consequent to non appearance of the petitioners, warrants of arrest have been issued by the learned Magistrate against the petitioners.

2. According to the petitioners, they are absolutely innocent. Their absence was not wilful. They had appeared through counsel and made application also. The petitioners are willing to appear before the learned Magistrate on the next date of posting. The petitioners may not be subjected to arrest and incarceration in prison before that date. This is the short prayer.

3. I am of opinion that it is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. In the peculiar facts and circumstances of this case, there shall be a direction that the non bailable warrants issued by the learned Magistrate against the petitioners shall not be executed till 21.07.2007.

6. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-